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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,621	03/26/2007	Hans Beer	2003P01722WOUS	5952
46726 7590 06/29/2010 BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562				
EXAMINER CHAUDHRY, SAEED T				
ART UNIT		PAPER NUMBER		
1711				
NOTIFICATION DATE		DELIVERY MODE		
06/29/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary

Application No.

10/583,621

Applicant(s)

BEER ET AL.

Examiner

Saeed T. Chaudhry

Art Unit

1711

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Applicant's amendments and remarks filed April 15, 2010 have been acknowledged by the examiner and entered. Claims 1-12 have been canceled and claims 13-24 are pending in this application for consideration.

The Specification

Objection to the specification has been withdrawn in view of the amendments to the specification.

Claim Rejections - 35 USC § 112

Rejected under 35 U.S.C. § 112, second paragraph, has been withdrawn in view of the amendments to the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13-15, 18-19, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al.

Wyman (GB-2221384) discloses a method and apparatus for operating a dishwasher having a pre-wash cycle, a wash cycle, a rinse cycle and a dry cycle, wherein speed of the re-circulating pump is varied. The speed of the re-circulating pump convey the liquid to at least one spray device in order to remove food residue and inherently vary the pressure of liquid by varying the speed of the pump. The quantity of the liquid spray would change with the change of the speed of the pump. After each and every rinse cycle, wash cycle and rinse cycle used liquid is discharged with emptying pump and sump is refilled with water. Wyman also, disclose means to control the sequence of operation of all the elements of the dishwasher and means for periodically varying the strength of the jets. (see page 4, line 2 to page 5, line 34 and claims). The reference fails to disclose an intermediate rinse cycle, 30-60%, 50-100% and then 30-60% capacity of the pump.

Eiermann et al. (2002/0108639) disclose a method and apparatus for operating a dishwasher. A conventional complete dishwashing program runs in partial steps--namely, as is usual, in five partial program steps. These steps include the partial program step pre-wash, the partial program step "clean", the partial program step "intermediate rinse", the partial program step "final rinse", and the partial program step dry (see [0018]).

It would have been obvious at the time applicant invented the claimed process to incorporate the intermediate rinse cycle as disclosed by Eiermann et al. into the process and apparatus of Wyman for the purpose of increasing the rinsing effect for removal of the detergent solution from the objects. Further, it is conventional in the art as disclosed by Eiermann et al. to have multiple rinse cycles in the washing process.

Wyman discloses to start the pump speed at 2000 to 2100 rpm and then after some time change the speed to 2700 rpm. One of ordinary skill in the art would have operated the pump at 30-60%, 50-100 and then 30-60% capacity of the pump with routine experimentation for the purpose of increase cleaning effect, since these limitations do not provide any specific advantage over the of Wyman disclosed limitation.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of Edwards et al.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of intermittently operate the circulation pump.

Edwards et al. (5,849,101) disclose a method and apparatus for operating a dishwasher. Wherein the wash switch 44 is open and the wash interval switch 50 controlled so that the pump 22 operates intermittently during "on-times" in each of the main wash, first rinse, and second rinse cycles (see col. 6, lines 8-11)

It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps of intermittently operating circulation pump as disclosed by Edwards et al. into the process of Wyman for the purpose of efficient cleaning the objects in the dishwasher. One of ordinary skill in the art would have operate circulation pump during the water is admitted into the dishwasher and find the better operating time for the pump by routine experimentation, since Edwards et al. disclose to operate during the main cycles.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of DE-2441361.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of introducing part of the total washing liquid in the pre-wash and clear rinse cycle.

DE-2441361 discloses a method of operating a dishwasher, wherein a part of liquid of total volume of liquid is introduced into the dishwasher during the cycle (see abstract).

It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps using part of the total volume of the liquid as disclosed by DE-2441361 into the process of Wyman to save the cleaning liquid and to reduce the cost of the liquid and energy.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of Sakata.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of intermittently operate the drainage pump.

Sakata (5,355,900) discloses a method and apparatus for operating a dishwasher. Wherein the drain pump 36 is actuated intermittently to drain the water from the dishwasher 10 (see col. 4, lines 18-20).

It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps of intermittently operate drainage pump as disclosed by Sakata into the process of Wyman for the purpose of efficiently removing the used liquid from the dishwasher.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of Edwards et al. and Sakata.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of intermittently operate the drainage pump and circulating pump.

Edwards et al. and Sakata were discussed supra.

It would have been obvious at the time applicant invented the claimed process to alternately use circulation pump and a drainage pump since Edwards et al. and Sakata disclose to use circulation pump intermittently and Sakata disclose to drain pump intermittently. One of ordinary skill in the art would have use pumps alternately for the purpose of removing the total liquid from the dishwasher.

Response to Applicant's Arguments

Applicant argued that the variation of the pump 15 in the Wyman dishwasher is varied for the purpose of controlling the level of acoustic noise during a wash process (see Wyman at page 1, line 15 - page 2, line 8) and not for the purpose of preventing the clogging of a filter.

This argument is not persuasive because varying the rpm of the pump changes the quantity and pressure of the liquid, which read on the claimed process. Further, even Wyman is concerned about the noise of the dishwasher but varying the rpm of the pump will change the quantity and pressure of the liquid and therefore, inherently remove small quantity of food and therefore the filter remains functional. The applicant has not provided any different steps which changes the food quantity and the filter remains open. The claimed process only recites a step of varying a pressure which is performed by the Wyman disclosed process.

Applicant argued that Wyman does not disclose or suggest a predetermined hydraulic abrasion capacity nor does it ensure that its filter remains functional in a remainder of the wash program as recited in independent claim 13.

This argument is un-persuasive because the claimed process does not include any different steps which provide a predetermined hydraulic abrasion capacity and ensure that its filter remains functional. The applicant has not shown that the Wyman process does not perform these steps.

Applicant argued that while the grounds of rejection allege that it would have been obvious at the time Applicants invented the claimed process to incorporate the intermediate rinse cycle as disclosed by Eiermann et al. into the process and apparatus of Wyman for the purpose of increasing the rinsing effect for removal of the detergent solution from the objects, Applicants respectfully submit that this would not disclose or suggest using a predetermined hydraulic abrasion capacity feature as in the present invention to ensure a filter remains functional in a remainder of the wash program.

This argument is not persuasive because the claimed process does not include any different steps which provide a predetermined hydraulic abrasion capacity and ensure that its filter remains functional. The applicant has not shown that the Wyman process does not perform these steps.

Applicant's arguments filed April 15, 2010 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (571)-273-8300.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Saeed T. Chaudhry

Patent Examiner

/Michael Barr/

Supervisory Patent Examiner, Art Unit 1711